

BAY COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 20, 2016

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, SEPTEMBER 20, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:31 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL DURANCZYK, VAUGHN BEGICK, KIM COONAN, THOMAS HEREK, DONALD J. TILLEY, MICHAEL LUTZ AND CHAIRMAN ERNIE KRYGIER

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK
ROBERT J. REDMOND, FINANCIAL ANALYST
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: TIFFANY JERRY, PERSONNEL/EMPLOYEE RELATIONS DIR.
JAN HISTED, FINANCE OFFICER
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIR.
CRISTEN GIGNAC, RECREATION & FACILITIES DIR.
FRANK DAVIS, LIONS CLUB MEMBER
ANN DAVIS, LIONS CLUB MEMBER
STEVEN VANTOL, LIONS CLUB MEMBER
JON VANTOL, LIONS CLUB MEMBER
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK.

PLEDGE OF ALLEGIANCE:

CITIZENS INPUT

MEMBERS OF THE COMMUNITY HAD NOT ATTENDED THIS SESSION WITH ANY CONCERNS.

ITEMS FOR CONSIDERATION

- RES. 2016-230: COMM. TILLEY MOVED TO ADOPT RES. 2016-230 - IN RECOGNITION OF "LIONS WEEK IN BAY COUNTY", THE BAY COUNTY BOARD OF COMMISSIONERS HEREBY PROCLAIMED OCTOBER 2 - 8, 2016 AS "LIONS WEEK IN BAY COUNTY"; THAT LIONS CLUBS THROUGH MICHIGAN REAFFIRM THEIR MEMBER SERVICE MISSION: "TO EMPOWER VOLUNTEERS TO SERVE THEIR COMMUNITIES, MEET HUMANITARIAN NEEDS, ENCOURAGE PEACE AND PROMOTE INTERNATIONAL UNDERSTANDING THROUGH LIONS CLUBS". IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.
- COMM BEGICK: COMM BEGICK STATED HE WAS A PROUD LION AND THAT NEXT YEAR WAS THE 100TH ANNIVERSARY OF THE LION'S CLUB INTERNATIONAL.
- COMM TILLEY: COMM TILLEY INQUIRED ABOUT DONATIONS OF GLASSES AND HEARING AIDS; HOW CONSTITUENTS WOULD GO ABOUT REQUESTING THESE SERVICES.
- STEVEN VANTOL: LIONS CLUB MEMBER STEVEN VANTOL EXPLAINED: THE LION'S CLUB COLLECTED THE GLASSES AND THEY ARE ALL SHIPPED OVERSEAS AS OUR GOVERNMENT DOES NOT ALLOW THEM TO BE DISTRIBUTED IN THE UNITED STATES, WE DISTRIBUTE THE GLASSES IN OTHER COUNTRIES. HEARING AIDS ARE COLLECTED AND REFURBISHED. THE CLUB THEN RECEIVED A REIMBURSEMENT BACK FROM THE HEARING AID COMPANIES.
- COMM KRYGIER: COMM KRYGIER PRESENTED A FRAMED RESOLUTION ON BEHALF OF THE BAY COUNTY COMMISSIONERS AND THE BAY COUNTY EXECUTIVE, TO THE CLUB IN SUPPORT OF EVERYTHING THAT HAS BEEN DONE FOR OUR COMMUNITY.
- FRANK AND ANN DAVIS: LIONS CLUB MEMBERS, FRANK AND ANN DAVIS, WHO PARTICIPATE IN THE LEADER DOG PROGRAM, THANKED THE COMMISSION AND THE PEOPLE OF BAY COUNTY FOR THEIR SUPPORT OF THIS PROGRAM. BUSINESS AND COMMUNITY EVENTS ALLOW LEADER DOGS TO BE PRESENT WHICH GREATLY ASSISTS IN MANY ASPECTS OF THE TRAINING.
- RES. 2016-231: COMM. TILLEY MOVED TO ADOPT RES. 2016-231 - THE BOARD OF COMMISSIONERS AUTHORIZED THE EXECUTION OF A NEW PHONE CARRIER CONTRACT FOR THE NEXT THREE YEARS WITH 123.NET,

CHARTER, AND BIRCH TO BEGIN THE CONVERSION TO THE NEW PHONE SYSTEM, CONVERTING THE COUNTY'S CURRENT POTS SYSTEM TO A NEW UPDATED PRI SYSTEM. THE NEW AGREEMENTS WILL HAVE AN OVERALL FINANCIAL IMPACT OF \$3,249.62 PER MONTH; \$38,995.44 ANNUAL AND \$116,986.32 SAVINGS OVER THE LIFE OF THE CONTRACT; AND FUNDS FOR THE PHONE PROJECT ARE INCLUDED IN THE 2016 AND 2017 BUDGET AND IF IT IS NECESSARY TO EXIT THE COUNTY'S AT&T CONTRACT THE COUNTY WILL INCUR AN EARLY TERMINATION FEE WHICH WILL BE FAR LESS THAN THE OVERALL IMPACT OF BEING OUT OF CONTRACT WITH AT&T. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.

- RES. 2016-232: COMM. TILLEY MOVED TO ADOPT RES. 2016-232 - THE BAY COUNTY BOARD OF COMMISSIONERS APPOINTMENT OF JOEL STRASZ AS THE BAY COUNTY HEALTH DEPARTMENT'S LOCAL HEALTH OFFICER AND THAT IN ACCORDANCE WITH SECTION 2428(2) OF THE PUBLIC HEALTH CODE, MR. STRASZ SHALL SERVE AS THE ADMINISTRATIVE HEALTH OFFICER OF THE HEALTH DEPARTMENT AND MAY TAKE ACTIONS AND MAKE DETERMINATIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE HEALTH DEPARTMENT'S FUNCTIONS AND TO PROTECT THE PUBLIC HEALTH AND PREVENT DISEASE. BASED UPON THE LEGAL OPINION PROVIDED, IT WAS NECESSARY FOR THE BAY COUNTY BOARD OF COMMISSIONERS TO APPOINT A BAY COUNTY HEALTH OFFICER IN ORDER TO BE COMPLIANT WITH MCL 333.2428(I). THERE WAS NO FINANCIAL IMPACT AS A RESULT OF THIS APPOINTMENT, AS MR. STRASZ WAS CURRENTLY PERFORMING THE REQUIRED FUNCTIONS OF THE LOCAL HEALTH OFFICER AND HAD BEEN PREFORMING THOSE FUNCTIONS AS PART OF HIS RESPONSIBILITIES AS THE HEALTH DEPARTMENT DIRECTOR. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.
- RES. 2016-233: COMM. TILLEY MOVED TO ADOPT RES. 2016-233 - THE BAY COUNTY BOARD OF COMMISSIONERS ADOPTED THE REVISED BAY COUNTY PERSONNEL POLICY. IT WAS SUPPORTED BY COMM LUTZ AND PASSED BY A VOICE VOTE OF 6 YEAS, 1 NAYS, COMM BEGICK.
- COMM BEGICK: COMM BEGICK STATED HE WOULD BE VOTING "NO" AT THIS TIME, THERE WERE A NUMBER OF CHANGES AND NO OPPORTUNITY TO DISCUSS CHANGES.
- RES. 2016-234: COMM. TILLEY MOVED TO ADOPT RES. 2016-234 - THE BAY COUNTY DRUG TESTING PROTOCOLS AND PROCEDURES, AS REVISED BY THE

BAY COUNTY PERSONNEL DEPARTMENT. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.

REFERRALS

RES. 2016-213: COMM. TILLEY MOVED TO ADOPT RES. 2016-213 - FOR APPROVAL OF THE 2016 - 2017 CHILD CARE FUND BUDGET THROUGH PROBATE COURT. THE CHILD CARE FUND FROM THE STATE OF MICHIGAN PROVIDES A 50% MATCH FOR THE EXPENDITURES INVOLVING PLACEMENTS IN AGENCIES, FOSTER HOMES, OUR JUVENILE HOME FACILITY OR INSTITUTIONS. ALSO COVERED WERE PROGRAMS AIMED AT WORKING WITH DELINQUENT YOUTH WHILE THE YOUTH REMAINED IN THEIR OWN HOMES. THE CHILD CARE FUND BUDGET SUMMARY FOR THE 2016 - 2017 FISCAL YEAR, REFLECTED MONIES BUDGETED IN THE FOLLOWING CATEGORIES: \$1,225,000 IN THE FAMILY FOSTER CARE; \$1,475,200 FOR INSTITUTIONAL CARE; \$876,077.85 FOR IN HOME CARE; \$15,000 FOR INDEPENDENT LIVING. THE APPROVED FOSTER CARE LINE ITEM IN THE STATE BUDGET IS \$1,225,000 AND IT SHOULD BE NOTED THAT THE AMOUNT OF MONEY ORIGINALLY APPROPRIATED IN THE COUNTY FOSTER CARE LINE ITEM THIS YEAR WAS \$425,000, MUCH LESS THEN THE STATE BUDGET ALLOCATION. THIS INCREASE WOULD PUT THE COUNTY MORE IN PROPORTION WITH THE \$820,000 THAT THE COUNTY ACTUALLY SPENT LAST YEAR FOR FOSTER CARE. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.

COMM BEGICK: MICHIGAN ASSOCIATION OF COUNTIES (MACC) HAD SENT OUT A SURVEY TO EACH COUNTY TO DETERMINE THE STATUS OF CHILD CARE FUND PAYMENTS. PAYMENTS WERE DELAYED ACCORDING TO REPOR OF A STATE OFFICIAL.

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

THERE WAS NO NEW BUSINESS

MISCELLANEOUS

THERE WAS NOTHING FOR MISCELLANEOUS

ANNOUNCEMENTS:

THERE WILL BE A GROUP PHOTO ON NOVEMBER 1ST AT 3:45 PM.

CLOSED SESSION

MOTION 91: COMM. TILLEY MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY. TO DISCUSS THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A ROLL CALL VOTE:
7 YEAS: DURANCZYK, BEGICK, COONAN, TILLEY, LUTZ, HEREK, KRYGIER.
0 NAYS.

MOTION 92: COMM. TILLEY MADE A MOTION TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.

MOTION 93: COMM. TILLEY MADE A MOTION TO FOLLOW THE RECOMMENDATION OF COUNSEL ALEX BOMMARITO WITH REGARD TO THE SETTLEMENT OF: CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW, FOLLOWING CLOSED SESSION DISCUSSIONS. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF 7 YEAS, 0 NAYS.

RECESS/ADJOURNMENT

MOTION 94: COMM. DURANCZYK MOVED TO ADJOURN THE SPECIAL BOARD SESSION OF SEPTEMBER 20, 2016 AT 4:55 P.M. IT WAS SUPPORTED BY COMM. BEGICK AND CARRIED BY VOICE VOTE OF: 7 YEAS, 0 NAYS.

ERNIE KRYGIER, CHAIRMAN
BOARD OF COMMISSIONERS

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

DIANE YAWORSKI
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS